

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

v.

DEVAL HATCHER,

Defendant.

Case No. 2:23-cr-00012-NJK

Order

[Docket No. 11]

Pending before the Court is Defendant's motion to dismiss citation due to unconstitutionally vague statute. Docket No. 11. The United States filed a response. Docket No. 6. No reply is needed. The motion is properly resolved without a hearing. *See* Local Rule 78-1.

Defendant was charged with resisting issuance of a citation in violation of 43 C.F.R. § 8365.1-4(a)(4).¹ Docket Nos. 6 at 2, 11 at 2. He submits that the statute underlying this charge violates due process because it is impermissibly vague. Docket No. 11 at 3. The United States dismissed this charge on January 30, 2023. *See* Docket No. 4-1 (dismissal of citation).

Accordingly, Defendant's motion to dismiss citation due to unconstitutionally vague statute is **DENIED** as moot. Docket No. 11.

IT IS SO ORDERED.

Dated: February 1, 2023


Nancy J. Koppe
United States Magistrate Judge

¹ Defendant was also charged with exceeding posted speed in violation of 43 C.F.R. § 83651.1-3(a). Docket No. 6 at 2. That charge remains pending. *See* Docket No. 1.